

*City of Alexandria, Virginia*  
*Department of Planning & Zoning*

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**SPECIAL USE PERMIT CERTIFICATE**

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this special use permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2012-0012

Approved by Planning and Zoning: March 29, 2012

Permission is hereby granted to: Petra, Inc.

to use the premises located at: 3250 Duke Street

for the following purpose: see attached report

It is the responsibility of the special use permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

3/29/12  
Date

Faroll Hamer / BH  
Faroll Hamer, Director  
Department of Planning and Zoning

DATE: March 19, 2012

TO: Barbara Ross, Deputy Director  
Department of Planning and Zoning

FROM: Nathan Randall, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2012-0012  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Applicant: Petra, Inc. by David Jabro  
Location: 3250 Duke Street  
Zone: CG/Commercial General

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**Request**

Special Use Permit #2012-0012 is a request to change ownership of an existing restaurant from Alvi, Inc. (d/b/a Café Monti) to Petra, Inc. by David Jabro. No changes to the operation are proposed, although the applicant expects to offer a different menu focusing on Italian cuisine and will trade under the name of Maggio's.

**Background**

A restaurant has been operating at this site since 1989 (SUP#2309). Several SUP amendments and changes of ownership have been approved over the years. In 2000, City Council approved a request to add off-premises alcohol sales, and in 2002, City Council approved a request to expand seating at the restaurant (SUP#2002-0034).

Café Monti closed for business in January of this year. During a recent site visit, staff observed that barriers, intended to prevent vehicles from falling due to a grade change on the eastern edge of the parking lot, are not present at the site as required in Condition #11.

Staff has not received any complaints that would require staff to docket the Special Use permit for public hearing.

**Parking**

According to Section 8-200(A)(8) of the Zoning Ordinance, one off-street parking space is required for every four restaurant seats. As noted in SUP#2002-0034, the applicant has five parking spaces available in the surface lot in front of the restaurant. Additional parking spaces leased from an adjacent business, are required in existing Condition #25 to meet the balance of the parking requirement.

**Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Quaker Hill Community Association, Clover-College Park Civic Association, and Longview Hill Citizens Association were sent notice with information about the current application. Staff has not received any comments from residents or adjacent businesses that would require staff to docket the Special Use Permit for public hearing.

**Staff Action**

Staff does not object to the change of ownership request, which involves no changes to the business compared to prior SUP approval. The applicant has agreed to resolve matters related to parking, safety barriers, and signage as specified in amended condition language in this report. Like the prior restaurant at the site, the applicant will need to maintain the signed contract he has submitted which provides for at least five additional parking spaces to meet its minimum 10-space parking requirement (Condition #25). Once it has a degree of control over the site and prior to the re-opening of the business, the applicant will need to install safety barriers in the parking lot consistent with Condition #11. Finally, staff has also required the applicant to remove the existing freestanding sign at the site (Condition #24). The requested sign removal is part of a larger initiative to reduce when possible the cluttered appearance of multiple freestanding signs along this portion of Duke Street. A similar requirement was included in the recent SUP approval for another new restaurant, Ginny's and the Esquire Dog, which will be located nearby in the old Generous George's space. The applicant may choose to install a monument-style sign in the future subject to the review and approval of the Director.

Staff hereby approves the change of ownership request.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: March 29, 2012  
Action: Approved

  
Barbara Ross, Deputy Director

Attachments: 1) Special Use Permit Conditions  
2) Statement of Consent

**CONDITIONS OF SPECIAL USE PERMIT #2012-0012**

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP #2309-C)
2. At least one trash container shall be located in the parking area for the use of patrons, the container shall not be permitted to overflow, and the area around it shall be kept clean. (P&Z) (SUP #2309-C)
3. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation on each day that the business is open to the public. (P&Z) (SUP #98-0165)
4. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2309-C)
5. Condition deleted. (SUP #98-0165)
6. The hours of operation shall be limited to the following: 7 a.m. to 10 p.m. Monday through Thursday, 7 a.m. to 12 midnight Friday and Saturday, and 10 a.m. to 8:00 p.m. Sunday. (City Council) (SUP #94-0333)
7. Seating shall be provided inside for no more than 40 patrons. (P&Z)
8. No outside dining facilities shall be located on the premises. (P&Z) (SUP #2309-C)
9. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2309-C)
10. Condition deleted. (SUP #2002-0034)
11. **CONDITION AMENDED BY STAFF:** Barriers shall be ~~maintained~~ installed prior to the opening of the business, and shall be thereafter maintained, on the east side of the front parking lot to prevent vehicles from falling onto the adjoining property to the satisfaction of ~~the Director of Transportation and Environmental Services and the~~ Director of Planning and Zoning. (P&Z) (~~SUP #2000-0029~~)
12. Deleted Condition. (SUP #94-0333)


13. Deleted Condition. (SUP #94-0333)
14. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of these containers. (P&Z) (SUP #98-0165)
15. No delivery service shall be permitted from the restaurant. (P&Z) (SUP #94-0333)
16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residues be washed into the streets, alleys or storm sewers. (T&ES) (SUP #94-0333)
17. The applicant shall control cooking odors, smoke, and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
18. On-site alcohol service is permitted; for off-premise sales, the following rules apply: Beer or wine coolers may be sold only in 4-packs, 6-packs, or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. The off premise beer or wine must be part of a purchase that includes a meal. A meal for this purpose is defined as being the purchase of food in the amount of at least \$6.00. (P&Z) (SUP #2000-0029)
19. Condition Deleted. (SUP #95-0212)
20. **CONDITION AMENDED BY STAFF:** The applicant shall contact the ~~Crime Prevention~~ Community Relations Unit of the Alexandria Police Department for a security survey for the business and a robbery awareness program for the employees. (Police) (~~SUP #98-0165~~)
21. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #98-0165)
22. No music or amplified sound shall be audible at the property line. (P&Z) (SUP #98-0165)
23. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year from approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community, (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions,

or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (~~SUP #2000-0029~~)


24. **CONDITION AMENDED BY STAFF:** The ~~existing height of the freestanding pylon sign shall be lowered to 15 feet removed within 60 days of SUP approval.~~ New freestanding signage at the site, if any, shall be monument-style signage to the satisfaction of the Director of Planning & Zoning. (P&Z) (~~SUP #2000-0029~~)
25. **CONDITION AMENDED BY STAFF:** The applicant shall submit to the Director of Planning & Zoning ~~maintain an arrangement on a yearly basis an up-to-date, signed contract for~~ which provides at least five off-street parking spaces for the restaurant's use either at the Royal Auto Glass property as described in this report or an acceptable alternative location within 500 feet of the restaurant to the satisfaction of the Director of Planning & Zoning. (P&Z) (~~SUP#2002-0034~~)
26. Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP#2002-0034)
27. Loudspeakers shall be prohibited from the exterior of the building. (T&ES) (SUP#2002-0034)
28. **CONDITION ADDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)
29. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2012-0012. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 3250 Duke Street.

  
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Applicant - Signature

3-29-12  
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Date

  
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Applicant - Printed

\_\_\_\_\_  
Date